

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**April 1, 2002**

There were no minutes for this date.

**April 2, 2002**

- C036315      THE PEOPLE v. HUTCHERSON      (Not for Publication)**  
The judgment is affirmed.  
SIMS, J.  
We concur:      Scotland, P.J.  
                         Kolkey, J.
- C035000      VAN IDERSTINE v. CORBIN etc., et al.      (Not for Publication)**  
The judgment is affirmed. The County shall recover costs on appeal.  
RAYE, J.  
We concur:      Nicholson, Acting P.J.  
                         Callahan, J.
- C037965      BAGATTI v. CALIFORNIA DEPARTMENT OF REHABILITATION et al.**  
**(Certified for Publication)**  
To the extent the trial court sustained a demurrer without leave to amend to the allegations of paragraph 19 described in part IV of the opinion, the judgment is affirmed. The judgment is otherwise reversed. Plaintiff shall recover her costs on appeal. (Rule 26(a), Cal. Rules of Court.)  
SIMS, Acting P. J.  
We concur:      Callahan, J.  
                         Hull, J.
- C030874      AEROJET-GENERAL CORPORATION v. AMERICAN EXCESS INSURANCE CO. et al.      (Certified for Publication)**  
THE COURT:  
...This modification does not change the judgment.  
Appellant's petition for rehearing is denied.  
BY THE COURT:  
                         Callahan, Acting P.J.  
                         Kolkey, J.
- C035211      THE PEOPLE v. McGraw**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
                         Scotland, P.J.

**COURT OF APPEAL  
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**The Minutes**

**April 2, 2002 continued**

**C037148      BONTRAGER etc. v. ASSESSMENT APPEALS BOARD OF SISKIYOU  
COUNTY and YREKA INVESTMENT GROUP et al.  
(Certified for Publication)**

THE COURT:

The opinion in the above-entitled matter filed on March 4, 2002, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

FOR THE COURT:

Blease, Acting P. J.  
Raye, J.  
Morrison, J.

**April 3, 2002**

**C034507      THE PEOPLE v. THOMPSON and WEBB et al.  
(Not for Publication)**

The judgments are modified to stay the sentences imposed for defendants' robbery convictions in counts II and V. As modified, the judgments are affirmed. The trial court is directed to amend the abstracts of judgment to reflect the modifications, and to correct Webb's abstract of judgment, which reflects incorrectly that counts III, IV and V are enhanced by a section 12022.5, subdivision (a) enhancement rather than the section 12022, subdivision (a) enhancement found true by the jury. The trial court is directed to forward a certified copy of the amended abstracts to the Director of Corrections.

SCOTLAND, P.J.

We concur:    Blease, J.  
                    Kolkey, J.

**C035441      THE PEOPLE v. WALLACE-STEPTER      (Not for Publication)**

The judgment is affirmed.

MORRISON, Acting P.J.

We concur:    Callahan, J.  
                    Kolkey, J.

**C037583      THE PEOPLE v. TRESNER      (Not for Publication)**

The judgment is reversed with directions to the trial court to reconsider defendant's motion for appointment of substitute counsel. If the court, after further inquiry, determines good cause for appointment of new counsel has been shown, the court shall appoint new counsel and shall conduct such further proceedings as are necessary. If the court determines that good cause has not been shown, the court shall reinstate the judgment.

BLEASE, J.

We concur:    Scotland, P.J.  
                    Raye, J.

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**The Minutes**

**April 3, 2002 continued**

**C038011      THE PEOPLE v. FREMONDE      (Not for Publication)**

The order granting probation is affirmed.  
NICHOLSON, J.  
We concur:    Blease, Acting P.J.  
                 Callahan, J.

**C039333      THE PEOPLE v. NEWKIRK      (Not for Publication)**

The judgment is affirmed.  
CALLAHAN, J.  
We concur:    Sims, Acting P.J.  
                 Kolkey, J.

**C039459      THE PEOPLE v. AUBUCHON      (Not for Publication)**

The judgment is affirmed.  
NICHOLSON, J.  
We concur:    Sims, Acting P.J.  
                 Robie, J.

**April 4, 2002**

**C035261      THE PEOPLE v. VON GUNTEN      (Not for Publication)**

The judgment is affirmed.  
DAVIS, J.  
We concur:    Blease, Acting P. J.  
                 Raye, J.

**C036023      THE PEOPLE v. CHHOEUN et al.      (Not for Publication)**

The judgment against defendant Chhoeun is reversed and the trial court is directed to dismiss all charges against him.  
The judgment against defendant Suy is affirmed.  
DAVIS, Acting P.J.  
We concur:    Morrison, J.  
                 Kolkey, J.

**C037266      THE PEOPLE v. CARNEY et al.      (Not for Publication)**

The judgments are affirmed.  
HULL, J.  
We concur:    Sims, Acting P.J.  
                 Morrison, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**The Minutes**

**April 4, 2002 continued**

- C038615      THE PEOPLE v. OLAUSEN      (Not for Publication)**  
The judgment is modified in the following respects...  
As modified, the judgment is affirmed.  
The trial court shall prepare an amended abstract of judgment correctly reflecting the amounts of the fees and penalty assessments and shall send a certified copy to the California Department of Corrections.  
SIMS, J.  
We concur:    Scotland, P.J.  
                 Morrison, J.
- C037610      FAT et al. v. COUNTY OF SACRAMENTO and SUNSET SKYRANCH PILOTS ASSOCIATION et al.      (Not for Publication)**  
The judgment is reversed. Defendant and appellant County is awarded its costs on appeal.  
CALLAHAN, J.  
We concur:    Morrison, Acting P.J.  
                 Kolkey, J.
- C038072      MARIANO v. CALIFORNIA DEPARTMENT OF THE YOUTH AUTHORITY      (Not for Publication)**  
The judgment is affirmed.  
RAYE, Acting P.J.  
We concur:    Callahan, J.  
                 Kolkey, J.
- C037738      In re BRANDI S.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. VICKIE S.      (Not for Publication)**  
The juvenile court's orders are affirmed.  
SIMS, Acting P.J.  
We concur:    Davis, J.  
                 Hull, J.
- C039053      LEE v. LEE**  
BY THE COURT:  
Appellant's petition to reinstate the appeal is granted. The dismissal order filed on March 7, 2002, is vacated.  
  
Appellant's opening brief is to be served and filed on or before May 6, 2002, or the appeal may be dismissed without further notice.  
Scotland, P.J.

**COURT OF APPEAL  
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**The Minutes**

**April 4, 2002 continued**

**C040521 THE BANK OF NEW YORK, etc. v. ESPINOSA et al.**

BY THE COURT:

On the court's own motion, the appeal filed February 27, 2002, is dismissed. (See Code of Civil Procedure sections 86 subd. (a)(4), 904.2.) The clerk of this court is directed to return the notice of appeal to the clerk of the superior court. The clerk of the superior court is directed to process the notice of appeal in its appellate division.

It is further ordered that appellants' "Petition for Writ of Stay Pending Appeal," "Amended Petition for Writ of Stay Pending Appeal" and "Request for Judicial Notice" are denied as moot without prejudice to filing them in the Appellate Division of the Superior Court.

Scotland, P.J.

**April 5, 2002**

**There were no minutes for this date.**